

CASE NO. 49130-3-II

COURT OF APPEALS, DIVISION II  
OF THE STATE OF WASHINGTON

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KITSAP COUNTY,

Respondent,

vs.

KITSAP RIFLE AND REVOLVER CLUB,

Appellant,

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ON APPEAL FROM THE SUPERIOR COURT OF THE STATE OF  
WASHINGTON FOR KITSAP COUNTY  
Superior Court No. 15-2-00626-8

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KITSAP COUNTY'S ANSWER TO THE AMICUS BRIEF OF  
NATIONAL RIFLE ASSOCIATION OF AMERICA

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## I. INTRODUCTION

Washington State has preempted the “entire field of firearm regulation.” However, it has not preempted the field of shooting *facilities* regulation. This is left to local governments which do, in fact, regulate and enforce local design standards, noise control, and licensing laws against shooting facilities across the state.

Like many local shooting facility regulations, Article 2 of Chapter 10.25 Kitsap County Code (hereinafter, “Chapter 10.25 KCC”) regulates the operation of shooting facilities. Chapter 10.25 KCC applies only to the conduct of shooting facility owners with respect to the design and operation of shooting ranges. Chapter 10.25 KCC does not regulate an individual’s right to use, possess, transfer, purchase, or discharge a firearm. Chapter 10.25 KCC is not a “firearm regulation,” and is not preempted by State law.

The Amicus Brief of National Rifle Association of America (“NRA Brief”) calls for an improperly broad and expansive interpretation of the preemption statute codified in RCW 9.41.290. On one hand the NRA argues that RCW 9.41.290 is unambiguous in its preemption of all firearm regulations and that the Legislature “could hardly have been clearer” in that regard. On the other hand, the NRA’s Brief undermines its own argument by recognizing several circumstances under which the statute does not preempt firearm regulations, e.g., local regulations that are not laws of

general application to the public, internal policies that prohibit the possession of firearms, and local zoning, business licensing, and taxing regulations not inconsistent with state law.

If RCW 9.41.290 must be read as broadly as the NRA advocates, all aforementioned regulations would be preempted. But, as even the NRA recognizes, there are some boundaries to the state's preemption. The Legislature did not intend to preempt all local police power regulations as enforced against entities with some connection to firearm use, e.g., shooting facilities, firearm recreational events, firearm educational institutions, etc. To hold otherwise would upset and invalidate numerous local regulations throughout the State of Washington.

## **II. ARGUMENT**

### **A. General Principles of State Preemption**

Article XI, Section 11 of the Washington Constitution states that local governments “may make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws.” Accordingly, counties have plenary police power to enact ordinances to the extent those ordinances do not conflict with general state law and in areas in which state law is not intended to be exclusive. *HJS Dev., Inc. v. Pierce County. ex rel. Dep't of Planning & Land Servs.*, 148 Wn.2d 451, 477, 61 P.3d 1141 (2003) Whether state law is exclusive depends upon

legislative intent, which is generally derived from the analysis of the state statutes at issue. *Id.*

A statute occupies and preempts a field of regulation if there is an express legislative intent to do so or if such an intent is “manifest from necessary implication.” *Id.* Where an intent to preempt a field of regulation is not expressed, it may be inferred from the purpose of the statute and the facts and circumstances under which the state statute was intended to operate. *Lawson v. City of Pasco*, 168 Wn.2d 675, 679, 230 P.3d 1038 (2010) citing *Brown v. City of Yakima*, 116 Wn.2d 556, 559, 807 P.2d 353 (1991). However, the existence of an express preemption clause does not immediately end the inquiry as courts must consider “the substance and scope” of the displacement of local law. See *Altria Grp., Inc. v. Good*, 555 U.S. 70, 76, 129 S. Ct. 538, 543, 172 L. Ed. 2d 398 (2008).

Furthermore, an ordinance is presumed constitutional and “a heavy burden rests upon the challenger to establish unconstitutionality.” *Rabon v. City of Seattle*, 135 Wn.2d 278, 287, 957 P.2d 621 (1998) citing *Brown v. City of Yakima*, 116 Wn.2d 556, 559, 807 P.2d 353 (1991). “Every presumption will be in favor of constitutionality.” *HJS Dev., Inc.*, 148 Wn.2d at 477.

**B. Chapter 10.25 KCC Is Not Preempted By State Law**

RCW 4.91.290 provides, in its entirety, as follows:



The state of Washington hereby fully occupies and preempts the entire field of firearms regulation within the boundaries of the state, including the registration, licensing, possession, purchase, sale, acquisition, transfer, discharge, and transportation of firearms, or any other element relating to firearms or parts thereof, including ammunition and reloader components. Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to firearms that are specifically authorized by state law, as in RCW 9.41.300, and are consistent with this chapter. Such local ordinances shall have the same penalty as provided for by state law. Local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of state law shall not be enacted and are preempted and repealed, regardless of the nature of the code, charter, or home rule status of such city, town, county, or municipality.

Pursuant to RCW 9.41.290, the state has expressly preempted the “entire field of firearms regulation.” The dispute currently before this Court is whether the “field of firearm regulations” that has been fully occupied and preempted by the State includes the regulation of design standards and operating practices of shooting *facilities*. The answer is “no.”

**1. Chapter 10.25 KCC Is Not Preempted Based Upon the Express Language of RCW 9.41.290**

While Chapter 9.41 RCW does not describe the entire parameters of the preempted “field of firearm regulation,” RCW 9.41.290 gives some illustrative examples, e.g., registration, possession, purchase, sale, acquisition, transfer, discharge and transportation of firearms. Notably, the illustrative examples are qualified by the phrase “of firearms.” Missing

from this list is “shooting facilities,” or any conduct related to the use, design, construction, or operation of shooting facilities.

Chapter 9.41 defines the term “firearm” which offers a helpful understanding of what the Legislature considers a “firearm regulation.” A “firearm” is defined by RCW 9.41.010 as a “weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder.” Based upon this definition, a firearm regulation is a regulation governing a “weapon or device” that may be fired by an explosive. Shooting facilities do not fall within this definition.

Accordingly, Chapter 10.25 KCC does not regulate “firearms.” To the contrary, it regulates and imposes standards for the design, construction, operation, and maintenance of shooting *facilities*. Chapter 10.25 KCC provides that “shooting facilities shall be authorized and operated in accordance with an operating permit” which “shall govern the facilities and scope of operation of each shooting facility.” KCC §10.25.090(1) and (2).<sup>1</sup> Chapter 10.25 KCC defines shooting facility as “an entity with a site having one or more shooting ranges, but does not include residential property.” KCC §10.25.070(21).

Through the permitting process, shooting facilities must establish that their facilities are “designed, constructed, operated, and maintained to

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<sup>1</sup> The entire text of the ordinance enacting Chapter 10.25 KCC can be found at CP 48-63.

contain bullets, shot or other discharged projectiles within the facility property.” KCC §10.25.090(4)(a). Shooting range facilities must meet “engineered specifications” such as those provided in the NRA Range Source Book. KCC 10.25.090(4)(a). The specific design and operation requirements for each range will depend upon the type of firearms and ammunition that the range will permit to be discharged and the number and layout of the ranges at each facility. See KCC 10.25.090(4).

Because Chapter 10.25 KCC is not a firearm regulation and does not regulate firearms, it is not preempted by RCW 9.41.290.

## **2. Legislative History And Context Supports The Argument that Chapter 10.25 KCC is Not Preempted**

If it is necessary to look beyond the language of the statute, the legislative history and context surrounding RCW 9.41.290 supports Kitsap County’s position that Chapter 10.25 KCC is not preempted. *Cherry v. Municipality of Metro. Seattle*, 116 Wn. 2d 794, 798-800, 808 P.2d 746 (1991) (where there is ambiguity as to the scope of the Legislature’s intended preemption, courts look to the statute’s legislative history, context, and purpose).

RCW 9.41.290 is codified in Title 9, which is entitled “Crimes and Punishment.” Generally, the regulations in this Chapter dictate, among other things, who can possess a firearm and where and how they can be

used, carried, sold, delivered, licensed, and forfeited/confiscated. See Chapter 9.41 RCW. This chapter proscribes criminal penalties. E.g., RCW 9.41.040, RCW 9.41.050(1)(b), (2)(b), (3)(b); and RCW 9.41.080. It is silent with regard to design or operational standards for commercial or recreational shooting facilities, gun clubs, pistol or rifle ranges. Chapter 9.41 RCW is also silent as to zoning regulation, tax regulation, business license requirements, or land use permitting requirements.<sup>2</sup>

RCW 9.41.290 was originally enacted in 1983. Wash. Laws 1983, Ch. 232, Section 12. It was revised in 1994 by House Bill 2319. Wash. Laws of 1994, 1<sup>st</sup> Sec. Sess., Ch. 7, Section 428. This bill was self-described as an act “related to violence prevention.” The intent behind this bill was, in pertinent part, as follows:

The legislature finds that violence is abhorrent to the aims of a free society and that it can not be tolerated. State efforts at reducing violence must include changes in criminal penalties, reducing the unlawful use of and access to firearms, increasing educational efforts to encourage nonviolent means for resolving conflicts, and allowing communities to design their prevention efforts.

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<sup>2</sup> There is one caveat to this statement—Chapter 9.41 imposes stringent regulations on firearm dealers, including licensing, business conduct, and location. See RCW 9.41.110. As the NRA points out, RCW 9.41.300(3), which acts as an exception to the preemption statute, expressly authorizes local governments to enact ordinances regarding the location of firearm dealers. This exemption does not imply that local governments are preempted from enacting any other zoning laws which might touch indirectly on firearm use. Rather, this exception was necessary due to the state’s otherwise stringent regulation of firearm dealer conduct. See RCW 9.41.100, RCW 9.41.110, and RCW 9.41.113. The state has not enacted any such regulation with regard to shooting facilities. Furthermore, the regulation of the sale of firearms by dealers is a direct firearm regulation whereas a regulation imposing design standards on a shooting facility is not.

Wash. Laws of 1994, 1<sup>st</sup> Sec. Sess., Ch. 7. As set forth above, this act was intended to reduce violence by decreasing access to firearms and impose criminal penalties. It was not intended to restrict a local government's ability to regulate the standards and practices of a shooting facility. Critically, while the Legislature amended RCW 9.41.290 several times, none of the amendments address or preclude local shooting facility regulations despite the existence of numerous such ordinances. (See Section 5 below).

Washington Courts considering the scope of RCW 9.41.290 have previously defined its legislative intent as follows:

The reasonable conclusion is that RCW 9.41.290 was enacted to reform that situation in which counties, cities, and towns could each enact conflicting local criminal codes regulating the general public's possession of firearms.

*Chan v. City of Seattle*, 164 Wn. App. 549, 563, 265 P.3d 169 (2011) citing *Cherry v. Municipality of Metro. Seattle*, 116 Wn.2d 794, 801, 808 P.2d 746 (1991). Accordingly, the intent of state preemption as determined by the courts is to eliminate conflicting local criminal codes regarding the use and possession of firearms. Based upon this history and context, there is no evidence that the Legislature intended to preempt local regulations concerning the design standards and safe operating practices of shooting facilities.

### **3. Chapter 10.25 KCC Is Not A “Discharge Prohibition” And Has No Criminal Penalties**

The NRA’s Brief incorrectly asserts that Kitsap County’s shooting facility regulation is a “discharge prohibition.” The NRA’s Brief conflates Articles 1 and 2 of Chapter 10.25 KCC. These two articles, although housed in the same chapter, are different regulations governing different conduct. Article 1 directly regulates firearms. They even have different “definition” sections. Compare §10.25.010 to §10.25.070. Article 1 defines and designates “no-shooting” areas within Kitsap County.<sup>3</sup> <sup>4</sup> See KCC §§10.25.010-040. In its designation of “no-shooting” areas, Article 1 clarifies that a shooting facility in compliance with the permitting requirements under Article 2 is exempt from being designated as a no-shooting area.

Article 2 is the regulation at issue in this appeal. Article 2 sets forth a comprehensive regulation governing the permitting of shooting facilities based upon a facility’s demonstration that it meets design standards and safe operating practices. Article 2 does not “exist in support” of the discharge

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<sup>3</sup> Article 1 is not the subject of this appeal and has not been challenged by the Club. To the extent state preemption applies to Article 1, it falls within the exemption expressly authorized in RCW 9.41.300(2)(a).

<sup>4</sup> Based upon a cursory review of local county codes, it is common practice for counties in Washington to designate and regulate “no-shooting” areas within their jurisdiction. See §7.68.010 (Chelan County); §9.12.026 (Clark County); Chapter 10.20 (Cowlitz County); Chapter 12.68 (King County); Chapter 10.12 (Snohomish County), to name a few.

regulations contained in Article 1, as the NRA contends. NRA Brief, page 11. Rather, the two Articles are distinct and stand alone. Article 2 does not prohibit the discharge of firearms.

The NRA incorrectly states that “[i]f the range is not licensed per KCC 10.25, anyone shooting (or allowing shooting) on the property is guilty of a misdemeanor.”<sup>5</sup> This is not true. Article 2 of Chapter 10.25 KCC imposes regulations only upon the owner of a shooting facility with respect to the operation of the same. KCC §10.25.090(2) (“Each owner or operator of a shooting facility shall apply for and obtain an operating permit.”). It does not regulate or penalize the conduct of individual users of a shooting facility.

In addition, there is no criminal penalty for violations of Article 2. As the NRA notes, KCC §1.12.010 (codified under Chapter 1.12 entitled “General Penalties”) provides that any violation of a code provision is a misdemeanor. However, this provision also provides that where the general penalty provision conflicts with a “specific penalty provision” within another ordinance, the specific penalty governs. KCC §1.12.010.

Article 2 contains a specific penalty provision for a shooting facility’s violation of the operating permit regulations. Specifically, KCC §10.25.090 provides that the failure to obtain an operating permit will result

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<sup>5</sup> Chapter 10.25 KCC requires an operating permit, not a license.

in closure of the range as well as code compliance enforcement and injunctive relief. This specific civil penalty provision governs instead of the general provision. Contrary to the NRA's assertion, Article 2 of Chapter 10.25 KCC does not impose criminal sanctions for the discharge (or any other use) of firearms.

#### **4. The NRA's Position Regarding The Broad Application of RCW 9.41.290 Is Contradictory And Incorrect**

The NRA asserts that state preemption is broad and that it precludes "all local regulations." This position is based upon contradictory and circular arguments and must fail.

##### *a. NRA Brief Acknowledges Limits to State Preemption*

While arguing for the broad application of state preemption of all local regulation, the NRA recognizes that there are, in fact, limitations on state preemption. As the NRA points out, on two occasions Washington courts have determined that RCW 9.41.290 does not preempt all local authority with respect to firearms.

In *Cherry v. Municipality of Metro. Seattle*, 116 Wn.2d 794, 808 P.2d 746 (1991), the court determined that state preemption did not invalidate the authority of a municipal employer to regulate or prohibit employees from possessing firearms on the job. *Cherry*, 116 Wn.2d at 800.



This was determined, in part, based upon the “penal nature” of the state’s firearm laws. *Id.*

Similarly, the court in *Pacific Northwest Shooting Park Ass’n v. City of Sequim*, 158 Wn.2d 342, 144 P.3d 276 (2006) clarified that state preemption does not preclude the sale of firearms when a local government is acting in a proprietary capacity. Critically, the authority of the local government to regulate in both of these two circumstances was not based upon a grant of power to local government in RCW 9.41.300.

The NRA also recognizes that local governments have the authority to enact and enforce zoning laws, local tax code, and business licensing requirements. NRA Brief, pages 11-12. This is true even when enforced against entities that have some connection to the use of firearms. The NRA asserts that local business licensing, zoning, and tax regulations are not inconsistent with RCW 9.41.290 because the state has specifically granted local governments the authority to regulate in these areas pursuant to RCW 36.32.120 (counties) and RCW 35.22.280 (towns and cities). By this argument, and pursuant to the express language in RCW 36.32.120(7), the state has also granted counties the authority to regulate shooting facilities through “all such police and sanitary regulations as are not in conflict with state law.” The NRA has not shown, and cannot show, how a law requiring a shooting facility to obtain an operating permit is preempted while a law

requiring the same facility to obtain a business license would not be preempted. By the NRA's own logic, Chapter 10.25 KCC is not preempted because it is authorized by and not inconsistent with state law.

*b. The Legislature Expressly Authorizes Local Regulations  
– No Exceptions For Entities With A Connection to  
Firearm Use*

The NRA's position regarding the broad and sweeping application of RCW 9.41.290 to preempt all local regulation also fails when one considers the other areas of local regulation specifically authorized by the state. Through several different statutory enactments, the Legislature has authorized local governments to regulate several areas of business operations and practices, without exception for entities that have a connection to firearm use.

For example, despite the express preemption of RCW 9.41.290, the state had mandated that local government take action to manage growth under the Growth Management Act, to delineate wetlands, designate and protect critical areas, and designate urban growth areas. See Chapter 36.70A. The state authorizes counties to enact and collect an "admissions tax" to be collected on admission charge (which could be applied to gun shows and recreational shooting events). RCW 36.38.010. Cities are authorized to enact and enforce licenses for any lawful purpose, including

business licenses. RCW 35.22.280(32). Counties and cities also have authority to enforce sales and use taxes. Chapter 82.14 RCW.

There is no indication that the state intended to preclude local governments from enforcing any of these aforementioned regulations against a shooting facility, gun range, firearm educational institution, gun show, etc. Yet, all such local regulations are “laws of general applicability” and should theoretically be preempted by RCW 9.41.290 as enforced against firearm-related entities if the state preemption were as broad and as sweeping as the NRA advocates. If the local regulations discussed above are authorized by state law and not preempted, there is no justification for the preemption of Chapter 10.25 KCC.

#### **5. The NRA’s Position Requires The Invalidation of Local Regulations Throughout The State**

The NRA paints the County’s position that the state only intended to preempt local criminal firearm regulations as an extreme and controversial departure from past and current law. The NRA claims that the County’s argument drives a “stake through the heart of firearms preemption in Washington.” NRA Brief, page 1. However, it is the NRA’s position which is extreme and does not reflect the current reality of local regulation in Washington. The NRA’s argument, if accepted by the Court, would violate a critical principle in statutory construction—that statutes be

construed to carry out their purpose and to avoid unlikely, strained, or absurd results. *Cherry*, 116 Wn.2d at 802. The NRA’s (and the Club’s) interpretation would result in “consequences unintended by the Legislature,” (*Id.*) – the sudden invalidation of numerous local shooting range regulations.

The following table summarizes a few of the numerous county and city ordinances that currently regulate shooting facilities within and across the State of Washington:<sup>6</sup>

<b>Jurisdiction</b>	<b>Code Provision</b>	<b>Requirement</b>
King County	Chapter 6.84	Shooting range operating license
Pierce County	Chapter 8.78	Protect shooting ranges complying with noise pollution ordinance.
Clark County	9.12.055	Safety standards for shooting ranges.
Jefferson County	18.20.350(8)	Development and operation standards for of outdoor shooting ranges and use of the NRA’s Range Manual
Lewis County	17.158.030	Special use permits for shooting facilities, noise and range safety evaluation.
Mason County	17.12.140 and 17.12.240	Conditional use permit for shooting galleries, development and design standards.

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<sup>6</sup> Pursuant to RAP 10.3(8) and 10.4(c) and for the court’s convenience, relevant portions of the text of these local ordinances are included in an Appendix.

San Juan County	18.40.330(C)	Design, construction, and operation of outdoor shooting ranges.
City of Gig Harbor	5.12.040	Shooting sports facilities to obtain operating license, submit site plan, operations plan, and proof of insurance.
City of Blaine	9.32.050	“Written permit to shoot”
City of Woodinville	21.21.040	Facility design standards, noise limits, and inspections.
City of Vancouver	20.895.060	Design standards and noise limitations.
City of Sultan	16.16.020	Prohibition of all shooting facilities.
City of Redmond	Chapter 5.80	Operating license for shooting facilities and design standards.
City of North Bend	18.10.050, Section 2.23a	Design standards and noise abatement.
City of Longview	19.58.110	Design standards and compliance with NRA Range Source Book.
City of Mount Vernon	9.08.020	Requires approval from the chief of police before operating a firing range.

The regulations summarized above are just some of the local regulations that regulate or could be applied to shooting facilities. Not included in the table above are the numerous local regulations requiring organizations and businesses to obtain business licenses. Also not included are the numerous local zoning regulations that disallow shooting facilities and gun clubs in specific zones or districts. Adopting the NRA (and the Club’s) position that RCW 9.41.290 preempts local governments from

regulating shooting facilities would require the invalidation of all such local ordinances and would dramatically change the landscape of local shooting facility regulations.

**C. If Preempted, Chapter 10.25 KCC Qualifies As Exemption Pursuant to RCW 9.41.300(2)**

Even if RCW 9.41.290 applied to Chapter 10.25 KCC (which is not the case), Chapter 10.25 expressly falls within the exception to state preemption provided in RCW 9.41.300(2) which allows ordinances restricting the discharge of firearms where “there is a reasonable likelihood that humans, domestic animals, or property will be jeopardized.”

When Chapter 10.25 was enacted, the Kitsap County Board of County Commissioners specifically found as follows:

WHEREAS, the Kitsap County Board of Commissioners (Board) finds that the requirement of an operating permit for the establishment and operation of all shooting ranges provides assurance of the safe conduct of recreational and educational shooting activities in Kitsap County.

CP 48.

In addition, KCC §10.25.060 expressly states its purpose as follows:

The purpose of this article is to provide for and promote the safety of the general public by establishing a permitting procedure and rules for the development and operation of shooting range facilities.

CP 48.

Accordingly, Chapter 10.25 falls squarely within the exception outlined in RCW 9.41.300(2)(a).

Like the Club, the NRA argues that these legislative declarations are insufficient to meet the requirements of RCW 9.41.300. The NRA appears to argue this language is a “mere platitude” and that additional “supporting evidence” is required. NRA Brief, page 13. The NRA provides no legal authority to support this position. The NRA also fails to explain how the legislative findings are deficient or propose an alternative standard.

In addition, the NRA ignores the legal authority and argument provided in Kitsap County’s Response Brief. As argued in Kitsap County’s Response Brief, legislative declarations of fact are deemed conclusive unless they are patently false. *Clean v. State*, 130 Wn.2d 782, 807-08, 928 P.2d 1054 (1996). In granting deference to legislative findings, courts are not required to inquire into the “degree of scientific rigor underlying the findings at issue.” *State v. McCuiston*, 174 Wn.2d 369, 275 P.3d 1092 (2012); *City of Tacoma v. O’Brien*, 85 Wn.2d 266, 270-71, 534 P.2d 114 (1975).

Furthermore, the Kitsap County Board of County Commissioners is presumed to be knowledgeable about the conditions in Kitsap County. *Petstel, Inc. v. King County*, 77 Wn.2d 144, 151-52, 459 P.2d 937 (1969). It must be presumed that when the Board of County Commissioners adopted

Chapter 10.25 in September 2014, the Board was aware of the ruling issued one month earlier in *Kitsap Rifle* in which the Club was found to constitute a public nuisance due to inadequate range conditions and that more likely than not, bullets will escape the Club's shooting areas in the future. *Kitsap County v. Kitsap Rifle & Revolver Club*, 184 Wn. App. 252, 283-85, 337 P.3d 328 (2014).

### **III. CONCLUSION**

The Court should reject the NRA and the Club's position that Chapter 10.25 KCC is preempted by state law. This position is contrary to the plain language and legislative intent of RCW 9.41.290, would leave a regulatory void with regard to shooting range safety, and would invalidate numerous local shooting facility regulations throughout the state.

The Legislature did not intend to preclude local government from enacting reasonable regulations regarding the safe design, construction, and operation of shooting facilities. While the state has preempted the "field of firearm regulations," it has not preempted the field of shooting facility regulations. In fact, the Legislature is silent as to safe practices and design standards for shooting facilities. Numerous local governments, on the other hand, have determined that shooting range safety is an important issue that must be addressed through reasonable police power regulations such as the requirement of a license or permit and adherence to standards. Ironically,



many local governments, like Kitsap County, Jefferson County, and the City of Longview (to name a few), have adopted the NRA's own resources and guidelines as the appropriate shooting range design standards.

Respectfully submitted this 7<sup>th</sup> day of July, 2017.

TINA R. ROBINSON  
Kitsap County Prosecuting Attorney

A handwritten signature in black ink, appearing to read "Christine Palmer", written over a horizontal line.

CHRISTINE M. PALMER, WSBA No. 42560  
LAURA F. ZIPPEL, WSBA No. 47978  
Deputy Prosecuting Attorneys  
Attorneys for Respondent Kitsap County

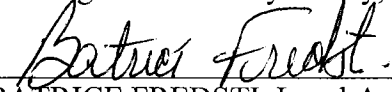
CERTIFICATE OF SERVICE

I, Batrice Fredsti, declare, under penalty of perjury under the laws of the State of Washington, that I am now and at all times herein mentioned, a resident of the state of Washington, over the age of eighteen years, not a party to or interested in the above-entitled action, and competent to be a witness herein.

On the date given below I caused to be served the above document in the manner noted upon the following:

Bruce O. Danielson 1001 4 <sup>th</sup> Avenue, #3200 Seattle, WA 98154	<input checked="" type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email <input type="checkbox"/> Via Hand Delivery
Dennis Reynolds 200 Winslow Way W, #380 Bainbridge Island, WA 98110	<input checked="" type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email <input type="checkbox"/> Via Hand Delivery
Anna Barvir 180 E. Ocean Blvd, Suite 200 Long Beach, CA 90802	<input checked="" type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email <input type="checkbox"/> Via Hand Delivery
Steven Fogg David Edwards 1001 Fourth Avenue, Suite 3900 Seattle, WA 98154	<input checked="" type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email <input type="checkbox"/> Via Hand Delivery

SIGNED in Port Orchard, Washington this 7<sup>th</sup> day of July, 2017.

  
BATRICE FREDSTI, Legal Assistant  
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## APPENDIX

1. King County Code 6.84.030 License required
2. Pierce County Code 8.78.020 Protection from Noise and Nuisance Actions
3. Clark County Code 9.12.055 Safety standards and specifications
4. Jefferson County Code 18.20.350 Small-scale recreation and tourist uses
5. Lewis County Code 17.158.030 Special uses.
6. Mason County Code 17.12.140 - Use permitted subject to obtaining a special use permit
7. San Juan County Code 18.40.330 Recreational developments
8. City of Gig Harbor Municipal Code Chapter 5.12 SHOOTING SPORTS FACILITIES
9. City of Blaine Municipal Code 9.32.050 Discharging weapons within city
10. City of Woodinville Municipal Code 21.21.040: (8) Shooting Ranges
11. City of Vancouver Section Municipal Code 20.895.060 Indoor Target Shooting Ranges
12. City of Sultan Municipal Code 16.16.020 Permitted and prohibited uses
13. City of Redmond Municipal Code Chapter 5.80 SHOOTING SPORTS FACILITIES
14. City of North Bend Municipal Code 18.10.050, Section 2.23
15. City of Longview Municipal Code 19.58.110 Indoor shooting ranges

16. City of Mount Vernon Municipal Code 9.08.020 Discharge of firearms prohibited

# APPENDIX 1

King County Code 6.84.030  
License required

## **King County Code**

### **6.84.030 License required.**

The operators of all existing shooting sports facilities shall apply for an operating license no later than April 9, 1994. The operator of each new shooting sports facility shall apply for an operating license at the time of application for building permits or land use permits necessary for the new facility. The application shall be made on a form prescribed by the manager of the records and licensing services division. The records and licensing services division is authorized to issue such a license after a determination that the application is accurate and complete, and includes a notarized certification by the shooting sports facility operator that the facility meets commonly accepted shooting facility safety and design practices and will be operated in a manner which protects the safety of the general public. The records and licensing services division shall base its licensing determination on the review and concurrence of the King County departments of public safety and permitting and environmental review or their designees. This section shall not relieve the applicant of any obligation to obtain any other required land use or building permits or approvals, except shooting sports facilities in operation before January 9, 1994, shall not be required to seek new land use or building permits solely for issuance of a license.

## APPENDIX 2

### Pierce County Code 8.78.020 Protection from Noise and Nuisance Actions

## **Pierce County Code**

### **8.78.020 Protection from Noise and Nuisance Actions.**

A. 1. Notwithstanding any other provision of law, a person who operates or uses a shooting range in unincorporated Pierce County shall not be subject to civil liability or criminal prosecution in any matter relating to noise or noise pollution resulting from the operation or use of the range if the range is in compliance with any noise control law or ordinance that applied to the range and its operation at the date of construction or initial operation of the range and is in compliance with PCC 8.72.110 A.2. and 8.76.070 A.2.

2. A person who operates or uses a shooting range is not subject to an action for nuisance, and shall not be enjoined from using or operating a shooting range on the basis of noise or noise pollution, if the range is in compliance with any noise control law or ordinance that applied to the range and its operation at the date of construction or initial operation of the range and is in compliance with PCC 8.72.110 A.2. and 8.76.070 A.2.

B. A person who acquires title to or who owns real property adversely affected by the use of property with a permanently located and improved shooting range shall not maintain a nuisance action against the person who owns the range to restrain, enjoin or impede the use of the range. This subsection does not prohibit actions for negligence or recklessness in the operation of the range or by a person using the range.

C. A shooting range that is operated and is not in violation of existing law at the time of the enactment of an ordinance must be permitted to continue in operation even if the operation of the shooting range at a later date does not conform to the new ordinance or an amendment to an existing ordinance.



## APPENDIX 3

Clark County Code 9.12.055 Safety  
standards and specifications

## **Clark County Code**

### **9.12.055 Safety standards and specifications.**

All shooting ranges licensed pursuant to this chapter shall, at a minimum, comply with the following safety standards and specifications:

- (1) All structures, installations, operations and activities shall be located at such a distance from property lines as will protect adjoining properties from hazard, when the ranges are used in accordance with range safety rules and standards.
- (2) Range site design features and safety procedures shall be installed and maintained to discourage end rounds from escaping all shooting positions, when such positions are used in accordance with range safety rules and standards.
- (3) A plan shall be submitted with the license application which shows the location of all buildings, parking areas and access points; safety features of the firing range; elevations of range showing target area, backdrops or butts; and approximate location of buildings on adjoining property.
- (4) A safety plan shall be submitted which cites rules for each range. This should include sign-in procedures, if applicable, restrictions on activities and the use of ranges, and every safety plan shall prohibit loaded weapons, except at shooting positions and except for holstered handguns.
- (5) All commercial shooting ranges shall have at least one safety officer on duty at all times shooting activities occur; provided, that when three (3) or fewer shooters are present, each may act as his own safety officer.
- (6) When urban residentially-zoned property or residential streets are located adjacent to property containing an outdoor shooting range, warning signs shall be installed and maintained along shooting range property lines. These signs shall be conspicuously posted at intervals of at least one for every one hundred (100) feet, and the range shall be fenced, when practical.
- (7) Shooting ranges shall be used for the shooting activities they were designed to accommodate unless redesigned to safely accommodate new shooting activities.

(8) Ranges will include an adequate backstop or adequate range for shotdrop.

(9) All shooting ranges shall provide a readily accessible telephone available to range participants and spectators for the purpose of contacting emergency medical services.

(10) A person responsible for the shooting range, which, in the case of commercial shooting ranges means the safety officer or his designee, shall, within twenty-four (24) hours, report in writing to the Clark County sheriff's office and Clark County planning department all accidents resulting from the discharge of firearms in use on the range.

(11) On private shooting ranges, shooting activities shall only occur between 8:00 a.m. and dusk unless otherwise restricted by the shooting range license itself. On commercial shooting ranges, outdoor shooting activities shall only occur between 8:00 a.m. and 10:00 p.m., unless otherwise restricted by the shooting license itself.

(12) In reviewing license applications for safety and upon reinspection for existing shooting ranges, the sheriff and the Clark County planning department shall be guided by the current edition of the "NRA Range Source Book" published by the National Rifle Association.

## APPENDIX 4

Jefferson County Code 18.20.350  
Small-scale recreation  
and tourist uses

**Jefferson County Code**

**18.20.350 Small-scale recreation and tourist uses.**

(8) Outdoor Shooting Ranges. Outdoor shooting ranges are subject to the following standards:

(a) They shall be located, designed, constructed and operated to prevent the likelihood of discharge of ammunition beyond the boundaries of the parcel where they occur;

(b) The National Rifle Association's Range Manual shall be consulted and used in the development and operation of ranges; Articles 1, 2, and 3 of the safety recommendations for outdoor shooting ranges shall be used as minimum guidelines in the design and construction of shooting ranges;

(c) Warning and trespass signs advising of the range operation shall be placed on the perimeter of the property at intervals no greater than 50 feet;

(d) The shooting areas shall be surrounded by an eight-foot-high noise barrier in the form of an earth berm or wall, or be located in a minimal eight-foot deep depression;

(e) The minimum lot size for an outdoor rifle, trap, skeet or pistol range used by an organization shall be 10 acres. For an outdoor archery range used by an organization, minimum lot size shall be five acres;

(f) No structure or shooting areas associated with a shooting range shall be located closer than 100 feet to any lot line;

(g) A minimum location of 500 feet is required from any occupied dwelling other than the dwelling of the owner;

(h) All shooting areas must be completely fenced; and

(i) In the consideration of an application for permit, the approval authority shall take into account both safety and noise factors, and may prescribe additional conditions with respect thereto.

## APPENDIX 5

Lewis County Code 17.158.030  
Special uses

**Lewis County Code**

**17.158.030 Special uses.**

(4) Sports Facilities and Clubs Including Golf Courses, Playing Fields for Outdoor Sports and Other Facilities, as Identified in Tables 1 and 2, LCC 17.42.030 and 17.42.040.

(a) Special Conditions.

(i) Uses which are larger than 40 acres must be processed as a master plan pursuant to Chapter 17.120 LCC.

(ii) All permanent access roads and permanent parking areas shall be hard surface to reduce mud and dust.

(iii) As to pistol, rifle, skeet, and other shooting facilities which encourage education and training in the safe use of lawful firearms, the application shall include noise and range safety evaluation for property within one-half mile of the proposed range. The hearing examiner must specifically find that the range does not pose a safety hazard to any resident within the study area.

## APPENDIX 6

Mason County Code 17.12.140  
Use permitted subject to obtaining a  
special use permit



## **Mason County Code**

### **17.12.140 - Use permitted subject to obtaining a special use permit.**

The following uses, subject to applicable licensing and development regulations, shall be allowed within the "village commercial" district only with approval of a special use permit except that a special use permit shall not be required where any of the listed uses are included in an approved Planned Development. Consideration shall be given to the purpose and development standards of the district including any adopted design guidelines. The design of the site, structure, and building facade shall be included in the special use permit review which shall consider the widths and heights typically found in the neighboring commercial development to determine the compatibility of the proposal with the existing development. That compatibility might be accomplished through indenting portions of the structure to separate portions of the facade, using a variety of architectural styles and building materials, orienting the building so that larger areas of facade are not visible from public ways or parking areas, or by similar techniques.

- (1) Antique malls over ten thousand sq. ft.
- (2) Bars and taverns other than those associated with full menu food service.
- (3) Churches.
- (4) Veterinary clinics.
- (5) Commercial parking lots not associated with an on-site use.
- (6) Day care center.
- (7) Drive-through sales, service, pick-up or delivery.
- (8) Gasoline retail sales.
- (9) Gyms, fitness and aerobic studios.
- (10) Laundromats.
- (11) Private transportation depot.
- (12) Schools.

(13) Private recreation facilities including game arcades, batting cages, shooting galleries and skating rinks.

(14) Outdoor storage of merchandise.

(15) Motorized vehicle repair.

**17.12.240 - Uses allowed subject to obtaining a special use permit.**

(a) Bars and taverns other than those associated with full menu food service.

(b) Churches.

(c) Commercial parking lots not associated with an on-site use.

(d) Day care.

(e) Gyms, fitness and aerobic studios.

(f) Private transportation depot.

(g) Schools.

(h) Private recreation facilities including game arcades, batting cages, shooting galleries.

## APPENDIX 7

San Juan County Code 18.40.330  
Recreational developments

**San Juan County Code**

**18.40.330 Recreational developments.**

C. Outdoor shooting and archery ranges shall be located, designed, constructed and operated to prevent the likelihood of discharge of ammunition beyond the boundaries of the parcel where they occur. It is recommended that the National Rifle Association's Range Manual be consulted and used in the development and operation of ranges; Articles 1, 2, and 3 of the safety recommendations for outdoor shooting ranges shall be used as guidelines in the design and construction of shooting ranges.

## APPENDIX 8

City of Gig Harbor  
Municipal Code Chapter 5.12  
SHOOTING SPORTS FACILITIES

**City of Gig Harbor**

Chapter 5.12  
SHOOTING SPORTS FACILITIES

Sections:

- 5.12.020 Definitions.
- 5.12.040 License required.
- 5.12.060 Application procedure.
- 5.12.080 License approval or denial.
- 5.12.100 Effect of license approval.
- 5.12.120 Operating without a license prohibited.
- 5.12.140 Denial, suspension or revocation of license.
- 5.12.160 License renewal.
- 5.12.180 Operating standards and specifications.
- 5.12.200 Liability.
- 5.12.220 Complaint process.
- 5.12.240 Hiring and paying for consultants and investigators.
- 5.12.260 Appeals.
- 5.12.020 Definitions.

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:

- A. "Administrator" means the administrator of the city of Gig Harbor, or his/her designee.
- B. "Public safety authority" means the Gig Harbor police department and Pierce County Fire District No. 5, or delegate agencies as named by the Gig Harbor police chief or the Gig Harbor fire marshal.
- C. "Operator" means the operating license applicant, and any of its officers, directors, partners, or owners.
- D. "Range" means any individual or group of firing positions for a specific shooting type.
- E. "Range master" or "range officer" means a person or persons trained and appointed by the operators of a shooting sports facility to oversee the safe discharge of shotguns, rifles or handguns in accordance with the safety specifications of this chapter and any additional safety

specifications that may be adopted by the operators of the shooting sports facility. Range masters and/or range officers shall complete the necessary training and obtain certification from the National Rifle Association to be a range master/officer.

F. "Shooting sports facility" means an indoor or outdoor facility designed and specifically delineated for safe shooting practice with firearms, whether open to the public, open only to private membership, open to organizational training such as law enforcement, or any combination of the above. Archery ranges are specifically excluded from this definition. The term "shooting sports facility" also does not include any portion of a private residence or private residential lot that is used by the residents thereof for shooting practice.

G. "Shooting types" means rifle, handgun, airgun, or shotgun shooting. (Ord. 926 § 1, 2003).

**5.12.040 License required.**

A. An operator of an existing or new shooting sports facility shall demonstrate that he or she has the general qualifications for a business licensee, as set forth in GHMC 5.01.070.

B. The operators of all existing shooting sports facilities shall apply for an operating license no later than six months from the effective date of the ordinance codified in this chapter. If an operating shooting facility is annexed to the city of Gig Harbor, the shooting facility operator shall apply for an operating license no later than six months from the effective date of the annexation.

C. The operator of each new shooting sports facility shall apply for an operating license at the time of application for building permits or land use permits necessary for the new facility. (Ord. 926 § 1, 2003).

**5.12.060 Application procedure.**

A. In addition to the application procedures set forth in GHMC 5.01.080, the following procedures shall be followed for shooting sports facilities.

B. The application shall be made on a form prescribed by the administrator, and shall include all of the following information:

1. The name, address and telephone number of the person completing the application;

2. The name, address and telephone number of the facility;
3. The names, addresses, and telephone numbers of all owners of the facility. If the owner is a partnership, the names, addresses and telephone numbers of all partners. If the owner is a corporation, the names, addresses and telephone numbers of all corporate officers;
4. The name, address and telephone number of a designated contact person to whom all licensing correspondence, including any notices and complaints provided for in this chapter, shall be sent. It is the responsibility of the shooting sports facility to keep this contact information updated in writing throughout the duration of any license and the owners and operators agree, by submitting an application and obtaining a license, that notice to the contact person at the last address provided to the administrator in writing is proper notice to the owners and operators of the facility;
5. The shooting types allowed or proposed to be allowed at the facility;
6. The names, addresses and telephone numbers of all persons proposed to serve as designated range masters in compliance with GHMC 5.12.180(G);
7. The days of the week and the hours of operation that the facility is or is proposed to be open, demonstrating compliance with this chapter;
8. Whether use of the facility will be open to the public, open only to private membership, open to organizational training such as law enforcement, or any combination of the above;
9. The site plan required by GHMC 5.12.180(C) and prepared by a licensed surveyor, showing the location of all buildings, parking areas and access points; safety features of the facility; elevations of any outdoor range showing target areas, or backdrops, and the approximate location of buildings on adjacent properties. Any shooting sports facility in operation prior to the passage of this ordinance may, when applying for the license required by this chapter, have an additional two years to comply with this subsection (B)(9) as long as at the time of application they provide a site plan as set forth in GHMC 5.12.180(C);
10. The notarized certification required by subsection C of this section;
11. The operations plans required by GHMC 5.12.180(D);



12. The applicant shall also pay the non-refundable application fee and license fee established by this chapter at the time of application; and
13. Proof of liability insurance coverage in the amount required by GHMC 5.12.180(T) shall be submitted with the license application.

C. Every application for a shooting sports facility operating license shall be accompanied by a notarized certification by the shooting sports facility operator that the facility complies with this chapter, meets commonly accepted shooting facility safety and design practices, and will be operated in a manner that protects the safety of the general public.

D. This chapter shall not apply to shooting sports facilities owned and operated by any instrumentality of the United States, state of Washington, or a political subdivision of the state of Washington. (Ord. 926 § 1, 2003).

**5.12.080 License approval or denial.**

In addition to the general procedures in Chapter 5.01 GHMC and GHMC 5.01.120, the following procedures will govern approval or denial of licenses for shooting sports facilities:

A. When the administrator receives a complete application, the administrator will forward copies of the same to the public safety authority, the city planning and public works departments, and any other city department or city personnel deemed appropriate by the administrator in order to determine whether the shooting sports facility meets the requirements of this chapter and any other applicable city ordinance or regulation. Each consulted department or staff member shall review the application for compliance with regulations administered by that department or staff member and Chapter 5.01 GHMC and shall forward a report to the administrator containing the results of that review.

B. By applying for and as a condition of issuance of a shooting sports facility operating license, the shooting sports facility operator agrees to permit representatives of the public safety authority and any other appropriate city personnel to enter the facility at all reasonable times in order to perform site inspections in regard to licensure, complaints, incidents, or any public safety concerns. Prior notification of such inspections will be to the operator when reasonably possible.

C. The administrator shall issue a shooting sports facility operating license after a determination that the facility meets the requirements of this chapter, all applicable provisions of Chapter 5.10 GHMC, any other applicable city ordinances/resolutions and state law. Notification of the applicant of the administrator's decision will take place as provided in GHMC 5.01.120. (Ord. 926 § 1, 2003).

**5.12.100 Effect of license approval.**

A. The shooting sports facility operating license issued under this chapter shall authorize only those shooting types that have been specifically applied for and that are identified in the license. The addition of new shooting types or the addition of a new range or ranges for existing shooting types at a shooting sports facility shall require amendment of the existing license before any such new shooting type is allowed. Amendment of the existing license shall follow the same procedures set forth in this chapter for initial license application approval.

B. The list of designated range masters may be changed at any time without requiring a license amendment. Whenever a change is made to the list of range masters, a revised list must be filed with the administrator within 30 days of the date of any change.

C. Issuance of a license under this chapter shall not relieve the applicant of any obligation to obtain any other required land use, fire safety, or building permits or approvals, except shooting sports facilities in operation prior to the effective date of the ordinance codified in this chapter shall not be required to seek new land use, fire safety or building permits solely for issuance of a license.

D. All facilities licensed under this chapter must conform to or abide by all city business license requirements as described in Chapter 5.01 GHMC. (Ord. 926 § 1, 2003).

**5.12.120 Operating without a license prohibited.**

A. No shooting sports facility shall operate without a license issued pursuant to this chapter; provided, that shooting sports facilities operating on the effective date of the ordinance codified in this chapter that have submitted required license applications before the date required herein may continue to operate without a city of Gig Harbor shooting sports facility license pending approval or denial of the license application. However, all such operation shall be conducted in compliance with this

chapter and all applicable law. Such operation shall cease upon denial of the license application and if appealed, as provided by law.

B. If a shooting sports facility operating under a valid Pierce County shooting sports facility permit or license is annexed to the city of Gig Harbor, it may continue to operate, only if an application for a city license is submitted to the city as provided above. Once annexed, the shooting sports facility shall operate in compliance with this chapter and all applicable law. (Ord. 926 § 1, 2003).

**5.12.140 Denial, suspension or revocation of license.**

A. Any denial, suspension or revocation of a license applied for or issued under this chapter shall follow the procedures set forth in GHMC 5.01.120 and 5.01.130.

B. If determined through police or state agency investigation that any participant, spectator, neighboring property or member of the public has been injured or endangered as a result of range design, operation or management of shooting activities or that rounds shot at the facility have escaped the property on which the shooting sports facility is located, then the administrator may immediately suspend or revoke any shooting sports facility license issued pursuant to this chapter. Reinstatement or re-issuance of any license suspended or revoked pursuant to the provisions of this chapter will be contingent on review and determination by the administrator that the shooting sports facility operator has made sufficient and appropriate modifications to the design or operation of the facility to reasonably address the specific deficiencies found to have contributed to the injury, endangerment, or escaped rounds. (Ord. 926 § 1, 2003).

**5.12.160 License renewal.**

A. An initial shooting sports facility operating license shall be valid upon issuance and shall continue in effect for a period of one year from the date on which it is issued, unless suspended or revoked as provided in this chapter.

B. Renewals shall be made as provided in GHMC 5.01.090, except the process for renewal of a shooting sports facility shall be the same as for an initial application; provided, that the city shall not require that the applicant pay for consultants or investigators to review the renewal application or inspect the facility unless (1) the applicant is proposing changes to the facility, the facility site plan, the required operations plan,

or the allowed shooting types as part of the license renewal, or (2) the administrator determines that inspection or review by consultants is required in order to verify compliance with changes in state, federal or local laws pertaining to the shooting sports facility or its operation, or (3) there was a final determination by the administrator or a court during the expiring term of the license, that the shooting sports facility violated any provision of this chapter during such term, as the result of the facility's design, construction, operation or maintenance. (Ord. 926 § 1, 2003).

**5.12.180 Operating standards and specifications.**

All shooting sports facilities licensed under this chapter shall comply with the following operating standards and specifications:

A. All structures, installations, operations and activities shall be located at such a distance from property lines as will protect off-site properties from hazards, when the ranges are used in accordance with range safety rules and practices.

B. Range site design features and safety procedures shall be installed and maintained to prevent errant rounds from escaping all shooting positions, when such positions are used in accordance with range safety rules and practices.

C. A site plan shall be submitted with the license application which shows the location of all buildings, parking areas and access points; safety features of the firing range; elevations of the range showing target area, backdrops or butts; and approximate location of buildings on adjoining properties. The site plan shall also include the location of all hazardous material storage and use locations. Such locations shall be keyed to inventories identified in a hazardous materials inventory statement or hazardous materials management plan, whichever is called for by the Gig Harbor fire code, based upon the quantities identified by the fire code permit application.

D. An operations plans shall be submitted that includes the rules for each range, sign-in procedures, and restrictions on activities in the use of ranges. Every operations plan shall prohibit loaded firearms except as provided by the range safety specifications and operating procedures.

E. A management standard operating procedures book shall be maintained that includes procedures for operations, maintenance and lead

management and recovery. The management guidebook shall be kept on site and shall be accessible at all times to those using the shooting sports facility.

F. The shooting sports facility, its plans, rules, procedures and its management and staff shall comply with the applicable safety guidelines and provisions in the latest edition of "the Range Source Book" (National Rifle Association of America: Fairfax, Virginia) or its successor, as appropriate to the type of facility involved.

G. All shooting sports facilities shall have a designated range master/officer or masters. A designated range master/officer must be present whenever the shooting sports facility is open for shooting activities and may oversee as many as three simultaneous events within a shooting sports facility. The range master/officer shall be trained in shooting safety, the safe operation of shooting sports facilities, first aid, and the facilities' emergency response procedures.

H. Warning signs shall be installed and maintained along the shooting sports facility property lines. Such signs shall be posted a minimum of every 100 feet along the property lines.

I. Shooting sports facilities shall be used for the shooting activities they were designed to accommodate unless redesigned to safely accommodate new shooting activities.

J. The shooting sports facility operator shall report in writing to the Gig Harbor police department all known on-site and off-site gunshot wounds resulting from activity at the shooting sports facility and any measures that are proposed to address any deficiencies that may have contributed to the wounds. The report shall be made within 48 hours after the existence of the gunshot wounds or wounds becomes known to the operator. The Gig Harbor police department will forward such information to the administrator for consideration in connection with any licensing action.

K. The shooting sports facility operator shall report in writing to the Gig Harbor police department all known rounds that escape from the property on which the shooting sports facility is located and any measures that are proposed to address any deficiencies that may have contributed to the errant rounds. The report shall be made immediately after the existence of an alleged or acknowledged escaped round or rounds becomes known to

the operator. The Gig Harbor police department will forward such information to the administrator for consideration in connection with any licensing action.

L. All shooting sports facilities shall provide an operating telephone available to range participants and spectators for the purpose of contacting emergency medical services.

M. A first aid kit containing the items recommended by a certified expert in emergency medical treatment shall be readily available at each shooting sports facility for emergency treatment or care of minor injuries.

N. Storage and handling of explosive materials, including ammunition when applicable, shall be in accordance with the Gig Harbor fire code. Unless exempt, storage and handling shall be by a permit issued pursuant to the Gig Harbor fire code.

O. All shooting sports facilities shall comply with and abide by the city's noise regulations (Chapter 9.34 GHMC). The hours of operation of any outdoor shooting sports facility shall be as follows:

Monday, Wednesday, Friday	8:00 a.m. to 6:00 p.m.
Tuesday, Thursday	8:00 a.m. to 9:00 p.m.
Saturday	10:00 a.m. to 6:00 p.m.  Closed to shotgun activities (open to rifle/pistol)
Sunday	9:00 a.m. to 5:00 p.m.

In addition, shooting activities shall be allowed 10 full weekends a year, if the sports shooting facility submits a application for these "special event shoots" to the city, which will be allowed only when the special event shoot permit application is for a weekend of shooting following a weekend of no activity (closed on Saturday and Sunday to shooting activities), and the special event shoot may occur only during the following hours:

Saturday	8:00 a.m. to 6:00 p.m.
Sunday	9:00 a.m. to 6:00 p.m.

P. The range master/officer on duty shall ensure that no person engaged in any shooting activities or near any shooting activities consumes alcohol or is intoxicated with alcohol or any other substance.

Q. The use of steel targets at a shooting sports facility is strictly prohibited. See GHMC 5.12.100(A) regarding licensing requirements applicable to different types of shooting activities.

R. No fully automatic weapons or multiple projectile rounds may be used at a shooting sports facility unless under the control and use of a licensed official of the United States, state of Washington, or a political subdivision of the state of Washington in an official capacity; provided, that multiple projectile rounds customarily associated with shotgun use, e.g., buckshot and birdshot, may be used if the downrange area guidelines for such use set forth in the latest edition of "the Range Source Book" (National Rifle Association of America: Fairfax, Virginia), or its successor, are met on that portion of the facility where the rounds are used and the facility has been licensed for shotgun use as provided in this chapter.

S. All shooting sports facilities are required to have fencing surrounding the entire property a minimum of six feet in height. "Safety fencing" shall be chain-link fencing or equivalent in strength, with a barbed wire top. This does not apply to indoor ranges. Any shooting sports facility in operation prior to the passage of the ordinance codified in this chapter may, when applying for the license required by this chapter, have an additional two years to comply with this subsection as long as at the time of application they sign an affidavit that their property is currently fenced.

T. Every operator of a shooting sports facility must possess comprehensive general liability insurance against liability for damages on account of bodily injury or property damage arising out of the activities authorized by any license issued under this chapter. The comprehensive general liability insurance must be maintained in full force and effect throughout the duration of the license. The minimum coverage amount required is one million dollars for each occurrence (bodily injury and property damage) combined single limit. This specified insurance amount is the minimum deemed necessary by the city to justify issuance of a

license for a shooting sports facility and in no way represents a determination by the city that this amount of insurance is adequate to protect the owners and operators of shooting sports facilities from claims or to protect members of the public who may be harmed by the activities authorized by the license. Operators of shooting sports facilities are encouraged to assess their own risk and to obtain additional liability insurance if they deem it necessary. (Ord. 926 § 1, 2003).

#### **5.12.200 Liability.**

The express intent of the city of Gig Harbor city council is that responsibility for complete and accurate preparation of applications, plans and specifications, for compliance with applicable laws, including but not limited to those set forth in this chapter, and for safe design, construction, use and operation of facilities regulated herein shall rest exclusively with applicants and their agents. This chapter and the codes adopted herein are intended to protect the health, safety and welfare of the general public and are not intended to protect any particular class of individuals or organizations. This chapter shall not be construed as placing responsibility for code compliance upon the city of Gig Harbor or any officer, employee or agent of the city. Application review and inspections performed pursuant to this chapter are intended to determine whether a shooting sports facility is in compliance with the requirements of this chapter. However, those inspections and reviews that are done do not guarantee or assure either that any design, construction, use or operation complies with applicable laws or that the facility is safely designed, constructed, used or operated. Nothing in this chapter is intended to create a private right of action based upon noncompliance with any of the requirements of this chapter. (Ord. 926 § 1, 2003).

#### **5.12.220 Complaint process.**

A. Upon receiving a written complaint to the effect that any shooting sports facility is in violation of any provision of this chapter, the administrator shall:

1. Issue a notice of complaint to the shooting sports facility operator advising such person of the allegation(s) made in the complaint. The notice shall include the information required by GHMC 5.01.160, and shall be served as provided in that section;
2. Request that the shooting sports facility operator respond, in writing, to the allegation(s) in the notice of complaint within 15



calendar days of receipt of the notice of complaint;

3. Investigate, through the use of the administrator's staff, the public safety authority, any other appropriate city department or personnel, and/or consultants or investigators, the allegation(s) in the written complaint and the response submitted by the shooting sports facility operator;
4. Make a finding as to the validity of the allegation(s) in the written complaint, based upon information received from those conducting the investigation of the complaint. If it is found that violation of any of the shooting sports facility operating standards or any other provision of this chapter has occurred, the administrator shall issue a written notice and order requiring that the operator suggest and implement measures or procedures to correct any violations of this chapter and to bring the shooting sports facility into full compliance. If a notice and order is issued, the administrator shall provide the shooting sports facility with a copy of any and all final written reports prepared by city personnel, consultants, and/or investigators concerning the investigation of the complaint, except as any portion thereof may be exempt from public disclosure under RCW 42.17.310(1).

B. The notice and order issued under subsection A of this section may suspend or revoke the license of the shooting sports facility if the requirements of GHMC 5.01.120 or 5.01.130 relating to denials, suspension or revocation are met.

C. Failure to comply with the notice and order issued as a result of the above process will result in the suspension and/or revocation of the license involved.

D. If the administrator concludes that the complaint is accurate, that it discloses a violation of this chapter, and that the operator has not proposed or effectively implemented measures or procedures to correct any violations of this chapter, the administrator shall initiate the revocation procedure set forth in GHMC 5.01.130.

E. Nothing in this section shall be construed to limit the city's authority to issue a notice and order or take such enforcement or investigative actions needed to protect the public's health and safety. (Ord. 926 § 1, 2003).

5.12.240 Hiring and paying for consultants and investigators.

A. The administrator may hire consultants and investigators to:

1. Review license applications and license renewals under this chapter;
2. Inspect properties on which applications for licenses and license renewals have been made under this chapter;
3. Inspect facilities licensed under this chapter to determine if they comply with this chapter and approved licenses and plans;
4. Investigate, in cooperation with the Gig Harbor police department, complaints, incidents and reports of injury or endangerment of persons or property, or of rounds escaping the facility;
5. Review and investigate proposals to bring facilities into compliance with the chapter.

B. In exercising its authority under this chapter, the public safety authority may consider expert consultant advice, professional knowledge, and any or all other information available regarding shooting ranges and shooting sports facilities. (Ord. 926 § 1, 2003).

**5.12.260 Appeals.**

The city shall enforce this chapter as provided in Chapter 5.01 GHMC. Appeals of the city council's decision on suspension or revocation of a license may be made as provided in GHMC 5.01.130(F). Appeals of a notice and order issued by the city license officer or the administrator for violations/complaints as set forth in this chapter may be made as provided in GHMC 5.01.160(C). (Ord. 926 § 1, 2003).

## APPENDIX 9

City of Blaine  
Municipal Code 9.32.050  
Discharging weapons within city

**City of Blaine**

**9.32.050 Discharging weapons within city.**

No person within the limits of the city shall use or attempt to use, or discharge or attempt to discharge, any shotgun, rifle, revolver, pistol, firearm, air gun or any other instrument or contrivance commonly known as a slingshot; provided, that the provisions of this section shall not be deemed to apply to trap shooting by any regularly organized gun club, which has first obtained a written permit to shoot from the city council.

## APPENDIX 10

City of Woodinville  
Municipal Code 21.21.040: (8)  
Shooting Ranges

**City of Woodinville**

**21.21.040: (8) Shooting Ranges.**

- (a) Structures and ranges shall maintain a minimum distance of 50 feet from property lines adjoining residential zones or developments with residential uses;
- (b) Ranges shall be designed to prevent stray or ricocheting projectiles or pellets, or any spent rounds or other hazardous materials, from leaving the property;
- (c) Site plans shall include safety features of the range; provisions for reducing noise produced on the firing line; and elevations of the range showing target area, backdrops or butts;
- (d) All activities associated with the shooting range shall not exceed the noise limitations adopted by WMC 8.08.040 and WAC 173-60-040;
- (e) Shooting ranges are not permitted in the Tourist District Overlay; and
- (f) Shooting ranges shall be subject to an inspection, every one to three years, or as part of a business license renewal program, as determined by the Director. The cost of the inspection shall be paid by the operator of the shooting range. The purpose of the inspection will be to confirm that operations continue in conformance with the approved permit.

## APPENDIX 11

### City of Vancouver Municipal Code Section 20.895.060 Indoor Target Shooting Ranges

**City of Vancouver**

**Section 20.895.060 Indoor Target Shooting Ranges.**

A. Defined. The development standards in Subsection B – E below shall apply to any Indoor Target Shooting Range.

B. Criteria for building design and construction. Building design and construction shall provide the following:

1. Solid masonry or concrete on all walls in the shooting areas.
2. Trap construction to prevent bullet penetration and ricochet.
3. Sound baffling to assure noise levels not greater than 65 dBA at the property line.
4. Air ventilation and filtration system capable of removing dangerous levels of smoke and particulates.

C. Worker safety. Hearing protection devices shall be required for all persons exposed to noise levels above 75 dBA.

D. Air emission permit. Air emission permit shall be obtained from Southwest Clean Air Agency (SWCAA) prior to occupancy permit.

E. Noise. Baffling to assure noise levels do not exceed 60 dBA in the waiting area and 50 dBA in the office area.



## APPENDIX 12

City of Sultan  
Municipal Code 16.16.020  
Permitted and prohibited uses

**City of Sultan**

**16.16.020 Permitted and prohibited uses.**

No building or structure shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or structure or land be used, designed, or arranged for any purpose other than is permitted in the district in which the building or structure or land is located; provided, that such regulations shall not prohibit the continuance of an existing use. Further, to promote consistency with the Growth Management Act, no agricultural activity (as defined in this code) shall be permitted as a new use in the city. Those agricultural activities that were in existence prior to the adoption of this code shall be allowed to continue their operations. Additionally, gun clubs, skeet shoots, target ranges, quarrying or mining operations, or the removal and processing of sand, gravel, rock, peat, black soil and other natural deposits shall be prohibited.

# APPENDIX 13

## City of Redmond Municipal Code Chapter 5.80 SHOOTING SPORTS FACILITIES

**City of Redmond**

**Chapter 5.80  
SHOOTING SPORTS FACILITIES**

Sections:

<u>5.80.020</u>	Definitions.
<u>5.80.030</u>	License required.
<u>5.80.040</u>	Operating without a license prohibited.
<u>5.80.050</u>	Denial, suspension or revocation of license.
<u>5.80.060</u>	Operating license fee.
<u>5.80.065</u>	License amendment.
<u>5.80.070</u>	License renewal.
<u>5.80.080</u>	Operating standards and specifications.
<u>5.80.090</u>	Liability.
<u>5.80.100</u>	Complaint process.
<u>5.80.110</u>	Hiring consultants and investigators.
<u>5.80.120</u>	Appeals.
<u>5.80.130</u>	Penalty.
<u>5.80.200</u>	Severability.

**5.80.020 Definitions.**

(A) “Administrator” means the Finance Director of the City of Redmond, or his or her successor. The finance director may delegate his or her duties under this chapter to another official of the City of Redmond.

(B) “Operator” means the operating license applicant, and any of its officers, directors, partners, or owners.

(C) “Person in Charge” or “PIC” means a person or persons trained and appointed by the operators of a shooting sports facility to oversee the safe discharge of shotguns, rifles, or handguns in accordance with the safety specifications of this chapter, and any additional safety specifications that may be adopted by the operators of the shooting sports facility, as certified through a process consistent with that of a Washington State Law

Enforcement Firearms Instructors Association “Range Safety Officer” and accepted by the City of Redmond Police Department.

(D) “Public safety authority” means the City of Redmond Police Department and Fire Department or delegate agencies as named by the City of Redmond Chief of Police or the City of Redmond Fire Chief, respectively.

(E) “Range” means any individual or group of firing positions for a specific shooting type.

(F) “Shooting sports facility” means an indoor or outdoor facility designed and specifically delineated for safe shooting practice with firearms, whether open to the public, open only to private membership, open to organizational training such as law enforcement, or any combination of the above. Archery ranges are specifically excluded from this definition. The term “shooting sports facility” also does not include any portion of a private residence or private residential property that is used by the residents thereof for shooting practice.

(G) “Shooting types” means rifle, handgun, airgun, or shotgun shooting. (Ord. 2546 § 2 (part), 2010; Ord. 2485 § 1 (part), 2009; Ord. 2120 § 1 (part), 2002)

#### **5.80.030 License required.**

(1) The operators of all existing shooting sports facilities shall apply for an operating license no later than three months from the effective date of this chapter. If an operating shooting facility is annexed to the city of Redmond, the shooting facility operator shall apply for an operating license no later than three months from the effective date of the annexation.

(2) The operator of each new shooting sports facility shall apply for an operating license at the time of application for building permits or land use permits necessary for the new facility. The application shall be made on a form prescribed by the administrator and shall include all of the following information:

(a) The name, address, and telephone number of the person completing the application;

(b) The name, address, and telephone number of the facility;

(c) The names, addresses, and telephone numbers of all owners of the facility. If the owner is a partnership, the names, addresses and telephone numbers of all partners. If the owner is a corporation, the names, addresses and telephone numbers of all corporate officers;

(d) The name, address, and telephone number of a designated contact person to whom all licensing correspondence, including any notices and complaints provided for in this chapter, shall be sent. It is the responsibility of the shooting sports facility to keep this contact information updated in writing throughout the duration of any license and the owners and operators agree, by submitting an application and obtaining a license, that notice to the contact person at the last address provided to the administrator in writing is proper notice to the owners and operators of the facility;

(e) The shooting types allowed or proposed to be allowed at the facility;

(f) *Repealed by Ord. 2485;*

(g) *Repealed by Ord. 2485;*

(h) Whether use of the facility will be open to the public, open only to private membership, open to organizational training such as law enforcement, or any combination of the above;

(i) The site plan required by RMC 5.80.080(A)(3) showing the location of all buildings, parking areas, and access points; safety features of the facility; elevations of any outdoor range showing target areas, backstops or butts; and the approximate location of buildings on adjacent properties;

(j) The notarized certification required by subsection (3) of this section;

(k) The operations plan required by RMC 5.80.080(A)(4);

(l) The applicant shall pay the non-refundable application fee and license fee established by this chapter at the time of application; and

(m) Proof of liability insurance coverage in the amount required by RMC 5.80.080(A)(20) shall be submitted with the license application.

(3) Every application for a shooting sports facility operating license shall be accompanied by a notarized certification by the shooting sports facility operator that the facility complies with this chapter, meets commonly accepted shooting facility safety and design practices, and will be operated in a manner that protects the safety of the general public.

(4) After receipt of an application for a shooting sports facility operating license, the administrator will make a determination as to whether or not such application is complete. If the application is not complete, the applicant shall be so notified and the application shall not be processed further until such time as the applicant completes it. When the application is complete, the administrator will forward copies of the same to the public safety authority, the City of Redmond Planning and Community Development Department, and any other city department or city personnel deemed appropriate by the administrator in order to determine whether the shooting sports facility meets the requirements of this chapter and any other applicable city ordinance or regulation. Each consulted department or staff member shall review the application for compliance with regulations administered by that department or staff member and shall forward a report to the administrator containing the results of that review. The administrator may request additional information from the license applicant as necessary to review the license application; provided, that such additional information is solely of a type required for clarification of responses to subsections (2)(a) through (2)(m) and (3) of this section.

(5) By applying for and as a condition of issuance of a shooting sports facility operating license, the shooting sports facility operator agrees to permit representatives of the public safety authority and any other appropriate city personnel to enter the facility at all reasonable times in order to perform site inspections in regard to licensure or any public safety concerns. Prior notification of such inspections will be given to the operator when reasonably possible.

(6) The administrator shall issue a shooting sports facility operating license upon determining that the facility meets the requirements of this chapter and other applicable city ordinances and regulations. The administrator shall make that determination after receiving the reports of the public safety authority and other consulted city departments and city personnel and only if the public safety authority and such consulted departments and personnel determine that the application and the facility are in full compliance with this chapter and any other applicable city ordinances or regulations. The license shall ordinarily be issued within thirty days of the filing of a complete application. Failure to issue the license within the thirty-day period shall not, however, mean that the license is approved. In the event that the administrator is unable to issue the license within the thirty-day time period, the administrator shall provide a report to the license applicant stating the reasons why the license will not or has not been issued within the prescribed time. The report shall also provide an estimate of time for completion of the licensing process.

(7) The shooting sports facility operating license issued under this chapter shall authorize only those shooting types that have been specifically applied for and that are identified in the license. The addition of new shooting types or the addition of a new range or ranges for existing shooting types at a shooting sports facility shall require amendment of the existing license before any such new shooting type is allowed. This section shall not relieve the applicant of any obligation to obtain any other required business license, land use, fire safety, or building permits or approvals, except shooting sports facilities in operation prior to the effective date of this chapter shall not be required to seek new land use, fire safety or building permits solely for issuance of a license. All facilities licensed under this subsection must conform to or abide by the City of



Redmond's business license requirements as described in Chapter 5.04 RMC.

(8) This chapter shall not apply to shooting sports facilities owned or operated by any instrumentality of the United States, State of Washington, or a political subdivision of the State of Washington. (Ord. 2546 § 2 (part), 2010; Ord. 2485 § 1 (part), 2009; Ord. 2122 § 1, 2002; Ord. 2120 § 1 (part), 2002)

**5.80.040 Operating without a license prohibited.**

(1) No shooting sports facility shall operate without a license issued pursuant to this chapter; provided, that shooting sports facilities operating on the effective date of this chapter that have submitted required license applications before this same date may continue to operate without a City of Redmond shooting sports facility license pending approval or denial of the license application under RMC 5.80.030. All such operation shall be conducted in compliance with RMC 5.80.080, Operating standards and specifications. Such operation shall cease upon denial of the license application and exhaustion of any administrative or judicial appeals.

(2) If a shooting sports facility operating under a valid King County shooting sports facility permit or license is annexed to the city of Redmond, it may continue to operate until the administrator decides on the application as provided in RMC 5.80.030. Once annexed, the shooting sports facility shall operate in compliance with RMC 5.80.080, Operating standards and specifications. A King County shooting sports facility permit or license that is in a suspended or revoked status at the time of annexation shall not be considered a valid license for purposes of this subsection and the shooting sports facility that is the subject of such a suspended or revoked permit or license shall be required to apply for and obtain a shooting sports facility license from the City of Redmond prior to operating within the city. (Ord. 2546 § 2 (part), 2010; Ord. 2485 § 1 (part), 2009; Ord. 2120 § 1 (part), 2002)

**5.80.050 Denial, suspension or revocation of license.**

(1) The administrator may deny, suspend or revoke any license issued under this chapter if the applicant, any of its officers, directors, partners, or

members have violated any of the provisions of this chapter as determined through a documented investigation, or if the information supplied by any applicant in connection with any license issuance, inspection, or renewal under this chapter is determined to be false or to have been a misrepresentation. Whenever the administrator denies, suspends, or revokes any license under this chapter, written notice of the same shall be provided to the designated contact person for the shooting sports facility by regular mail. The notice shall specify the grounds for the denial, suspension, or revocation, and include a copy of the documented investigation, above. The notice shall be deemed received three days after the same is deposited in the United States mail, postage prepaid, correctly addressed to the contact person.

(2) If the City of Redmond Police Department, or its successor, determines through a documented investigation that any participant, spectator, neighboring property or member of the public has been injured or endangered as a result of range design, operation or management of shooting activities or that rounds shot at the facility have escaped the property on which the shooting sports facility is located, the administrator may immediately suspend or revoke any shooting sports facility license issued pursuant to this chapter. Reinstatement or reissuance of any license suspended or revoked pursuant to the provisions of this chapter will be contingent on review and determination by the administrator and the City of Redmond Chief of Police or his or her designee that the shooting sports facility operator has made sufficient and appropriate modifications to the design or operation of the facility to reasonably address the specific deficiencies found to have contributed to the injury, endangerment, or escaped rounds. (Ord. 2546 § 2 (part), 2010; Ord. 2485 § 1 (part), 2009; Ord. 2120 § 1 (part), 2002)

**5.80.060 Operating license fee.**

A non-refundable application and license fee of \$100.00 shall be charged for review and processing of the initial application for the shooting sports facility operating license and for each renewal application. (Ord. 2546 § 2 (part), 2010; Ord. 2485 § 1 (part), 2009; Ord. 2120 § 1 (part), 2002)

**5.80.065 License amendment.**

(1) New shooting types and new ranges for existing shooting types shall not be permitted until authorized by an amended license.

(2) The application for a license amendment shall be made on a form prescribed by the administrator and shall include only information relevant to the amendment.

(3) After receipt of an application for an amendment to a shooting sports facility operating license, the administrator will make a determination as to whether or not such application is complete. If the application is not complete, the applicant shall be so notified and the application shall not be processed further until such time as the applicant completes it. When the application is complete, the administrator will forward copies of the same to the public safety authority, the City of Redmond Planning and Community Development Department, and any other city department or city personnel deemed appropriate by the administrator in order to determine whether the shooting sports facility meets the requirements of this chapter and any other applicable city ordinance or regulation. Each consulted department or staff member shall review the application for compliance with regulations administered by that department or staff member and shall forward a report to the administrator containing the results of that review. The administrator may request additional information from the license applicant as necessary to review the license amendment.

(4) By applying for and as a condition of issuance of an amendment to a shooting sports facility operating license, the shooting sports facility operator agrees to permit representatives of the public safety authority and any other appropriate city personnel to enter the facility at all reasonable times in order to perform site inspections in regard to licensure, or any public safety concerns. Prior notification of such inspections will be to the operator when reasonably possible.

(5) The administrator shall issue an amendment to a shooting sports facility operating license upon determining that the facility meets the requirements of this chapter and other applicable city ordinances and regulations. The administrator shall make that determination after

receiving the reports of the public safety authority and other consulted city departments and city personnel and only if the public safety authority and such consulted departments and personnel determine that the application and the facility are in full compliance with this chapter and any other applicable city ordinances or regulations. The amended license shall ordinarily be issued within thirty days of the filing of a complete application. Failure to issue the amended license within the thirty-day period shall not, however, mean that the license is approved. In the event that the administrator is unable to issue the license within the thirty-day time period, the administrator shall provide a report to the license applicant stating the reasons why the license will not or has not been issued within the prescribed time. The report shall also provide an estimate of time for completion of the licensing process.

(6) An amendment to a license shall not alter the expiration date of the license established upon issuance. (Ord. 2546 § 2 (part), 2010: Ord. 2485 § 1 (part), 2009)

#### **5.80.070 License renewal.**

An initial shooting sports facility operating license shall be valid upon issuance and shall continue in effect for a period of five years from the date on which it is issued, unless suspended or revoked as provided in this chapter.

(A) Applications for renewal shall be made at least thirty days prior to the expiration of the existing license. The process for renewal of a shooting sports facility operating license shall be the same as for initial application. The renewed license shall be valid for a period of five years from the date the previous license expires, unless suspended or revoked as provided in this chapter.

(B) Applications for license renewal shall be made in writing on forms prescribed by the administrator and shall include the information required by this chapter for an initial license. Renewal applications shall be accompanied by the non-refundable application and license fee established by this chapter. Included with the renewal application shall be an affirmative written statement that the existing operations plan of the

shooting sports facility (which has been approved by the public safety authority) is still in force and effect, or a copy of a modified operations plan with changes highlighted. (Ord. 2546 § 2 (part), 2010; Ord. 2485 § 1 (part), 2009; Ord. 2120 § 1 (part), 2002)

**5.80.080 Operating standards and specifications.**

(A) All shooting sports facilities licensed under this chapter shall comply with the following operating standards and specifications:

(1) All structures, installations, operations, and activities shall be located at such a distance from property lines as will protect off-site properties from hazards, when the ranges are used in accordance with range safety rules and practices.

(2) Range site design features and safety procedures shall be installed and maintained to prevent errant rounds from escaping all shooting positions, when such positions are used in accordance with range safety rules and practices.

(3) A site plan shall be submitted with the license application which shows the location of all buildings, parking areas and access points; safety features of the firing range; elevations of the range showing target area, backstops or butts; and approximate location of buildings on adjoining properties. The site plan shall also include the location of all hazardous material storage and use locations. Such locations shall be keyed to inventories identified in a Hazardous Materials Inventory Statement or Hazardous Materials Management Plan, whichever is called for by the City of Redmond Fire Code based upon the quantities identified by the fire code permit application.

(4) An Operations Plan shall be submitted that includes the rules for each range, sign-in procedures, and restrictions on activities in the use of ranges. The Operations Plan shall define the means by which the facility will be operated in a safe manner.

(5) *Repealed by Ord. 2485.*

(6) The shooting sports facility, its plans, its rules, its procedures, and its management plan shall be designed under the guidance of the applicable safety guidelines and provisions in the latest edition of "The Range Source Book" (National Rifle Association of America: Fairfax, Virginia) or its successor, as appropriate to the type of facility involved.

(7) All shooting sports facilities shall have a designated Person in Charge (PIC). A designated PIC must be present whenever the shooting sports facility is open for shooting activities and may oversee as many as three simultaneous events within a shooting sports facility. The PIC shall be trained in safe operation of the shooting sports facility and the emergency response procedures of the facility.

(8) Warning signs shall be installed and maintained along the shooting sports facility property lines. Such signs shall be posted a minimum of every 100 feet along the property lines.

(9) Shooting sports facilities shall be used for the shooting activities they were designed to accommodate unless redesigned to safely accommodate new shooting activities.

(10) The shooting sports facility operator shall report in writing to the City of Redmond Police Department all known on-site and off-site gunshot wounds resulting from activity at the shooting sports facility and any measures that are proposed to address any deficiencies that may have contributed to the wounds. The report shall be made within forty-eight hours after the existence of the gunshot wound or wounds becomes known to the operator. The City of Redmond Police Department will forward such information to the administrator for consideration in connection with any licensing action.

(11) The shooting sports facility operator shall report in writing to the City of Redmond Police Department all known rounds that escape from the property on which the shooting sports facility is located and any measures that are proposed to address any

deficiencies that may have contributed to the errant rounds. The report shall be made within forty-eight hours of the time the existence of an escaped round or rounds becomes known to the operator. The City of Redmond Police Department will forward such information to the administrator for consideration in connection with any licensing action.

(12) All shooting sports facilities shall provide an operating telephone available to range participants and spectators for the purpose of contacting emergency medical services.

(13) A first-aid kit containing the items recommended by a certified expert in emergency medical treatment shall be readily available at each shooting sports facility for emergency treatment or care of minor injuries.

(14) Storage and handling of explosive materials, including ammunition when applicable, shall be in accordance with the City of Redmond Fire Code (Chapter 15.06 RMC). Unless exempt, storage and handling shall be by permit issued per Chapter 15.06 RMC and the International Fire Code, Section 105.6.

(15) All shooting sports facilities shall comply with and abide by the City of Redmond's noise standards per Chapter 6.36 RMC, Noise Standards.

(16) No alcohol, non-prescription narcotics, or other non-prescription controlled substances shall be permitted on or in use at any shooting sports facility during any time that the facility is open for shooting.

(17) *Repealed by Ord. 2485.*

(18) No fully automatic weapons may be used at a shooting sports facility unless under the control and use of a legally authorized official of the United States, State of Washington, or a political subdivision of the State of Washington in an official capacity.

(19) All shooting sports facilities are required to have fencing surrounding the entire property a minimum of six feet in height. This does not apply to indoor ranges.

(20) Every operator of a shooting sports facility must possess comprehensive general liability insurance against liability for damages on account of bodily injury or property damage arising out of the activities authorized by any license issued under this chapter. The comprehensive general liability insurance must be maintained in full force and effect throughout the duration of the license. The minimum coverage amount required is one million dollars for each occurrence (bodily injury and property damage) combined single limit. This specified insurance amount is the minimum deemed necessary by the city to justify issuance of a license for a shooting sports facility and in no way represents a determination by the city that this amount of insurance is adequate to protect the owners and operators of shooting sports facilities from claims or to protect members of the public who may be harmed by the activities authorized by the license. Operators of shooting sports facilities are encouraged to assess their own risk and to obtain additional liability insurance if they deem it warranted.

(21) The use of steel targets at a shooting sports facility is permitted when the design, composition and placement of such targets will prevent the escape from the facility of bounced or secondary projectiles.

(22) Changes in the following information shall be provided to the administrator in writing within thirty days of a change:

(a) The name, address, and telephone number of the facility;

(b) The names, addresses, and telephone numbers of all owners of the facility. If the owner is a partnership, the names, addresses and telephone numbers of all partners. If the owner is a corporation, the names, addresses and telephone numbers of all corporate officers; and



(c) The name, address, and telephone number of a designated contact person to whom all licensing correspondence, including any notices and complaints provided for in this chapter, shall be sent. (Ord. 2546 § 2 (part), 2010; Ord. 2485 § 1 (part), 2009; Ord. 2122 § 2, 2002; Ord. 2120 § 1 (part), 2002)

#### **5.80.090 Liability.**

The express intent of the City of Redmond City Council is that responsibility for complete and accurate preparation of applications, plans and specifications, for compliance with applicable laws, including but not limited to those set forth in this chapter, and for safe design, construction, use and operation of facilities regulated herein shall rest exclusively with applicants and their agents. This chapter and the codes adopted herein are intended to protect the health, safety and welfare of the general public and are not intended to protect any particular class of individuals or organizations. This chapter shall not be construed as placing responsibility for code compliance or enforcement upon the City of Redmond or any officer, employee or agent of the City of Redmond. Application review and inspections conducted pursuant to this chapter are intended to determine whether a shooting sports facility is in compliance with the requirements of this chapter. However, those inspections and reviews that are done do not guarantee or assure either that any design, construction, use or operation complies with applicable laws or that the facility is safely designed, constructed, used or operated. Nothing in this chapter is intended to create any private right of action based upon noncompliance with any of the requirements of this chapter. (Ord. 2546 § 2 (part), 2010; Ord. 2485 § 1 (part), 2009; Ord. 2120 § 1 (part), 2002)

#### **5.80.100 Complaint process.**

(1) Upon receiving a written complaint to the effect that any shooting sports facility is in violation of any provision of this chapter, the administrator shall:

(a) Issue a notice of complaint to the shooting sports facility operator advising such person of the allegation(s) made in the complaint. The notice shall be sent to the designated contact

person by regular mail, as well as by email and by telephone, when possible. The notice shall be deemed received three days after the same is deposited in the United States mail, postage prepaid, correctly addressed to the contact person;

(b) Request the shooting sports facility operator to respond, in writing, to the allegation(s) in the notice of complaint within thirty days of receipt of the notice of complaint;

(c) Investigate, through the use of the administrator's staff, the public safety authority, any other appropriate city department or personnel, and/or consultants or investigators, the allegation(s) in the written complaint and the response submitted by the shooting sports facility operator;

(d) Make a finding as to the validity of the allegation(s) in the written complaint, based upon information received from those conducting the investigation of the complaint. If it is found that violation of any of the shooting sports facility operating standards or any other provision of this chapter has occurred, the administrator shall issue a written notice and order requiring that the operator suggest and implement measures or procedures to correct any violations of this chapter and to bring the shooting sports facility into full compliance. If a notice and order is issued, the administrator shall provide the shooting sports facility with a copy of any and all final written reports prepared by city personnel, consultants, and/or investigators concerning the investigation of the complaint, except as any portion thereof may be exempt from public disclosure under RCW 42.56.210(1).

(2) The notice and order issued under subsection (1) may suspend or revoke the license of the shooting sports facility if the requirements of RMC 5.80.050(2), Denial, suspension or revocation of license, are met.

(3) Failure to comply with the notice and order issued as a result of the above process will result in the suspension and/or revocation of the license involved. Such suspension/revocation will last until such time as the Facility is compliant with this chapter.

(4) If the administrator and City of Redmond Chief of Police or his or her designee conclude that the complaint is accurate, that it discloses a violation of this chapter, and that the operator has not proposed or effectively implemented measures or procedures to correct any violations of this chapter, the administrator may suspend or revoke a license issued under this chapter.

(5) Nothing in this section shall be construed to limit the administrator's authority to issue a notice and order or take such enforcement or investigative actions needed to protect the public's health and safety. (Ord. 2546 § 2 (part), 2010; Ord. 2485 § 1 (part), 2009; Ord. 2120 § 1 (part), 2002)

**5.80.110 Hiring consultants and investigators.**

(1) The administrator may hire consultant(s) or investigators to:

(a) Review license applications and license renewals under this chapter;

(b) Inspect properties on which applications for licenses and license renewals have been made under this chapter;

(c) Inspect facilities licensed under this chapter to determine if they comply with this chapter and approved licenses and plans;

(d) Investigate, in cooperation with the City of Redmond Police Department, complaints, incidents, and reports of injury or endangerment of persons or property, or of rounds escaping the facility;

(e) Review and investigate proposals to bring facilities into compliance with this chapter.

(2) *Repealed by Ord. 2485.*

(3) *Repealed by Ord. 2485.*

(4) *Repealed by Ord. 2485.*

(5) Notwithstanding the participation of other city departments and city personnel, and notwithstanding any information or advice received from any consultant, the public safety authority shall retain full authority for determining whether a shooting sports facility is in compliance with this chapter and any other applicable city ordinance or regulation. In exercising that authority, the public safety authority may consider expert consultant advice, professional knowledge, and any or all other information available regarding shooting ranges and shooting sports facilities, but shall not be bound by any such advice, knowledge or information in any specific case. (Ord. 2546 § 2 (part), 2010; Ord. 2485 § 1 (part), 2009; Ord. 2120 § 1 (part), 2002)

#### **5.80.120 Appeals.**

(1) Any person aggrieved by the administrator's decision to approve, condition, or deny an application required by this chapter or to suspend or revoke an application under this chapter may file an appeal of such decision. Any such appeal must be filed in writing with the administrator within thirty (30) days from the date the administrator's decision is received or deemed received by the designated contact person.

(2) Upon receipt of an appeal, the administrator shall forward the same to the hearing examiner. The hearing examiner shall schedule and hold a hearing on the appeal within thirty (30) days following the administrator's receipt of the appeal. During the pendency of the hearing and until final action is taken by the city council as provided herein, the administrator's decision shall be stayed; provided, that the hearing examiner may, at the request of the administrator and following a hearing provided for this purpose, order the shooting sports facility to cease operations pending the appeal hearing if the hearing examiner determines that ceasing operations is necessary to prevent an imminent danger to the public health or safety. At the appeal hearing, both the applicant or licensee and the administrator shall be entitled to be represented and to present evidence. Upon completion of the hearing, the hearing examiner shall make written findings and conclusions and shall issue a recommendation to the city council on the appeal. At a public meeting, the city council, upon considering the recommendation of the hearing examiner, shall, without taking additional evidence:

(a) Accept the hearing examiner's recommendation as presented and thereby uphold the decision of the examiner; or

(b) Overturn the decision of the hearing examiner and either issue its own decision based upon the record or remand the matter to the hearing examiner for the taking of additional evidence; or

(c) Modify the hearing examiner's decision based upon the record made before the examiner.

(3) Appeal from a decision of the city council under this section shall be to the King County Superior Court and must be filed and served within thirty (30) days after the decision of the city council.

(4) In the event that the applicant or licensee fails to appeal the administrator's decision within the time periods provided in this section, the decision shall be final.

(5) Whenever any license issued under this chapter is suspended or revoked, the shooting sports facility operator shall immediately return said license to the administrator. (Ord. 2546 § 2 (part), 2010: Ord. 2485 § 1 (part), 2009; Ord. 2120 § 1 (part), 2002)

#### **5.80.130 Penalty.**

Any person violating or failing to comply with any provision of this chapter shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished as provided in RMC 1.01.110, or its successor. (Ord. 2546 § 2 (part), 2010: Ord. 2485 § 1 (part), 2009; Ord. 2120 § 1 (part), 2002)

#### **5.80.200 Severability.**

Should any section, subsection, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this chapter. (Ord. 2546 § 2 (part), 2010: Ord. 2485 § 1 (part), 2009; Ord. 2120 § 1 (part), 2002)

## APPENDIX 14

City of North Bend  
Municipal Code 18.10.050  
Section 2.23

**City of North Bend**

**18.10.050, Section 2.23a**

- a. All indoor shooting ranges shall comply with applicable local, state and federal laws, standards and regulations.
- b. All indoor shooting ranges shall implement industry best management practices.
- c. Noise Abatement. The building design or use must incorporate sound reduction techniques so that noise levels from the discharge of firearms do not exceed 50 dB as measured at the property line to residential zoned properties. Refer to Chapter 8.26 NBMC, Noise Abatement and Control, for all other zones.
- d. Ventilation. HEPA filters are required for exhaust fans.
- e. Solid Lead. The application must provide a plan for the safe removal and disposal of lead and lead dust. Lead and lead dust may not be disposed of in either the storm or sanitary sewer system.
- f. Containment. Bullet traps, range walls, floors and ceilings must capture all bullets and arrows. Bullet traps, floors, walls and ceilings must all be sufficiently strong to prevent bullets and/or arrows from leaving the range room.
- g. Security. The application must include a security plan which at a minimum contains a continuously operating video surveillance system located on all exterior entrances.

## APPENDIX 15

City of Longview  
Municipal Code 19.58.110  
Indoor shooting ranges



**City of Longview**

**19.58.110 Indoor shooting ranges.**

The indoor shooting range design and construction shall comply with the applicable safety guidelines and provisions in the latest edition of "The Range Source Book" (National Rifle Association of America: Fairfax, Virginia) or its successor, as appropriate to the type of facility involved.

## APPENDIX 16

City of Mount Vernon  
Municipal Code 9.08.020  
Discharge of firearms prohibited

**City of Mount Vernon**

**9.08.020 Discharge of firearms prohibited.**

It is unlawful for any person to discharge any firearm in the city of Mount Vernon where there is reasonable likelihood of injury to humans, domestic animals or property; provided, that this prohibition does not apply to the discharge of firearms by law enforcement officers engaged in the performance of their official powers or duties and except as provided below:

A. The discharge of shotguns during any lawful hunting activity under the laws of the state shall be permitted on that property annexed into the city under Ordinance No. 2023, and more particularly described in said ordinance.

B. The discharge of firearms or dangerous weapons at a firing range approved by the chief of police of the city; provided, that approval or disapproval of a firing range by the chief of police shall be based upon general principles of safety to persons and property surrounding the sites. Any applicant for the approval of a firing range who may feel aggrieved by the decision of the chief of police may seek a review of the decision of the chief of police by filing with the city finance director written notice of review within 10 days after receiving notice of the decision of the chief of police. The city council shall be the reviewing agency and can overturn the decision of the chief of police by a majority vote.

C. This section shall not abridge the right of the individual guaranteed by Article I, Section 24 of the State Constitution to bear arms in defense of self or others.

D. Any person violating any of the provisions of this section shall be guilty of a gross misdemeanor.

# KITSAP COUNTY PROSECUTING ATTORNEY'S OFFICE - CIVIL DIVISION

July 07, 2017 - 3:36 PM

## Transmittal Information

**Filed with Court:** Court of Appeals Division II  
**Appellate Court Case Number:** 49130-3  
**Appellate Court Case Title:** Kitsap County, Respondent v. Kitsap Rifle and Revolver Club, Appellant  
**Superior Court Case Number:** 15-2-00626-8

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Kitsap County's Answer to the Amicus Brief of National Rifle Association of America

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